

self over the telephone as wanting to send a man to me."

In another part of his testimony Mr. Burden said that he didn't know the voice which spoke on the telephone, didn't know whether or not it was Irving's.

Irving had shown him signatures of several people prominent socially. The only ones he remembered were John Jacob Astor and Clarence Mackay.

"What else do you remember about the list?"

"I remember being impressed by the fact that the class was not very select," answered Mr. Burden.

At that even the Magistrate laughed.

The price which Irving demanded was \$1,500.

"Don't you think that his remark about Christmas was made in a spirit of banter and good nature?" asked Mr. Schurman.

"No. I think he wanted the money."

There was a passage between counsel over the social prominence of the Burden family. They ended by agreeing to agree that the Burdens are prominent socially.

Then Mr. Schurman asked a dozen questions about the list, the interview, and the possible intention of establishing an alibi.

"I want to say, to save you trouble, gentlemen, that I know Irving was there."

Time was taken out here to swear and excuse Peter Cooper Hewitt, whose name has not been connected with the case before.

Mr. Burden went on to tell of his examination in the District Attorney's office as follows:

"Krotel said: 'We have enough testimony here now to send this man up. There are a number of other complaints. I think this evidence will clinch it.'"

"I saw Irving there. He said that he was surprised that he was on good terms with me, that he had known me for a long time, and that his maiden name was the same as his."

Edwin Mayne Post was sworn. He is the man on whose complaint Charles Ahle was arrested for extortion. Mr. Post told the story of this transaction at the preliminary examination of Ahle. Yesterday he was allowed to go on with a straight story and with considerable more detail. This testimony was allowed only on the promise of Mr. Osborne to connect it with the case.

Col. Mann's attorney objected that their client was the person libeled by Collier's and that matter bearing on Town Topics alone was not pertinent. However, the court overruled the objection.

Col. Mann's attorney then read a paragraph bearing on the libel, and on that ground Magistrate Whitman said that the evidence was in order. Mr. Post said:

"On or about June 15 last I was called up on the telephone from the floor of Town Topics and told that the editor of Town Topics wanted to speak to me. I was too busy at the time, but at about 2 o'clock I called up Town Topics and asked for Col. Mann, the editor. A woman's voice answered that Col. Mann was away, but that Charles S. Wayne was his personal representative."

Mr. Wayne came to the telephone. The prosecution objected to testimony on telephone calls. But Mr. Post swore that the voice was that of Charles S. Wayne and was allowed to go on.

"Wayne said that he wanted to send a representative to see me about a book. I said: 'I'll see no representative of Town Topics unless he comes bearing a letter with your signature—and I'd rather have Col. Mann's.'"

"Pretty soon Ahle came along with a letter. He started in to ask me to subscribe to a book. I said: 'That will be about all.'"

"But he said that I didn't understand. It was to be an unusual book. And I said: 'Nothing doing.'"

"He said: 'It's not the kind of thing you think. The boys on Town Topics have a way of making money on the side. They all make up. All right, the book goes to the people in the Town Topics office.'"

"I asked about the price, and he said that it was \$500. I said: 'Oh, tell me more about this.'"

"He answered: 'I have some letters about which have been received at the office of Town Topics. They are very good letters. The boys are anxious to run them in. You couldn't afford to have them come out in Town Topics.'"

"He pretended to be very much frightened. Here Mr. Craig objected.

"If he means that he was playing a trick, it's all right. I played a lot of 'em before I got through," said the witness. "I said: 'I understand that if I don't come up with that money you'll get the letters about me published in Town Topics.'"

"He answered that this would be about the size of it, and I said: 'I haven't the money in the bank right now. I'm long on some sugar. If that goes up, I'll see you in a day or two.'"

"He said: 'This thing's too good on you—it's too good reading. I can't hold the boys off much longer. Better see me tomorrow.'"

"I saw him again three days later. He was very abrupt. He said: 'I haven't got the \$500 from you. My influence in the office is sufficient to hold this thing off much longer.'"

Mr. Post went on to tell how he demanded written assurances from Wayne or Mann that no scandalous letters would be printed about him; how he sent the District Attorney and how he sent letters and telegrams to Wayne and Ahle. He was allowed to mention those letters and telegrams and another letter which appeared later in his story, but was not permitted to read the contents, because they were not at hand to be introduced in evidence.

He went on to the final interview of July 11, when he met Ahle in the office of the New York Stock Exchange with Detective Flood concealed and listening. Mr. Post had five marked \$100 bills in his pocket. The interview lasted twenty-five or thirty minutes.

"I began by objecting because he didn't have any written agreement. He proposed a receipt for \$500 from his pocket, and pointed out the names of certain men printed on the form. They included Charles S. Wayne, managing editor and William L. Daniels, treasurer."

"We'll treat you well. To show you, a certain gentleman—here he mentioned the name of a man whom I ask permission not to name publicly—will be present."

This brought a tilt. The prosecution thought that the name should be put in evidence.

"You won't tell Col. Mann, will you? That, I suppose, is the object in keeping this name out of the public press," said Osborne.

Osborne and Robert Post then exchanged happy smiles from their side of the table.

At last the prosecution agreed to let it go, reserving the right to call for the name if they wanted it. Mr. Post went on:

"I mentioned this man by name, and said: 'We've got a story on him worth \$10,000. We let him out on \$1,500 to "Fads and Fancies" and \$500 to "American Set Net."'

A BUSINESS without a definite, complete and accurate system of operation is competing against itself. Removing this inside competition and making you better able to meet outside competition is our particular work.

The Adams Company, 1326 Broadway, New York.

on your part, sir. It is an impertinent assumption.

Mr. Post went on:

"I asked how he got those stories about me. He said:

"There were two letters in a woman's hand. Wayne's got them. They're in a pigeon hole in his desk."

"But suppose you were out of town," I said. "They might print them then."

"He answered: 'No, it will all be looked after. You'll have to take my word for it.'"

"So I paid the \$500 and said, 'Everything's all right between us.'"

"That was the signal arranged with Flood. He came out and arrested Ahle."

Before Col. Mann's attorneys could get at the witness Magistrate Whitman noticed that it was dinner time and stopped the hearing. Mr. Osborne called attention to the fact that the case of Justice Duell against Norman Hargood is set for January 2.

"I need time to prepare my case," said Mr. Osborne. "However, I would like to have Col. Mann on the stand again for about twenty minutes."

But Col. Mann's attorneys could not assure the court that the Colonel's neutrality would be maintained to-day. At last, by mutual consent, it was called off until after the next trial.

It is not certain that this hearing will be resumed at all. The Duell case bears on many of the same points. In case Mr. Hargood is discharged this hearing will hardly be resumed.

The matter is already twisted in six actions at law. Col. Mann has had F. E. Collier, Robert Collier and Norman Hargood arrested for criminal libel—the preliminary examination on this charge was held yesterday.

Justice Duell has had Col. Mann and Justice Duell have sued the three defendants for libel in a hearing that is being held in the court under indictment for extortion, but he has jumped his bail and is missing. Robert W. Irving has been arrested for extortion in this hearing.

In the Duell case there are likely to be more arrests. Much of the evidence used in this hearing is likely to be used in the Duell case, so that Peter Cooper Hewitt is likely to be placed on the stand after all. Just now he is the mystery of the case.

DRUMMERS' DINNER TO METZ.

Commercial Travelers' League Entertains the Controller-Elect.

Twelve years or so ago Herman Metz, Controller-elect of New York, was a drug salesman, and last night the Commercial Travelers' League gave a complimentary dinner to him at the Cadillac.

A. H. Eastmond, now a silk merchant, gave the toasts. P. F. McGowan, president-elect of the Board of Aldermen, put down on the card as "a manufacturer," made a speech in praise of Mr. Metz, and the outgoing Aldermanic president, Mr. Metz, made a speech in return.

There were "drummer stories" by J. F. Walsh, and something serious about drummers by Charles F. Moore. There were also some "drummer stories" by William Hoge, Charles F. Moore, Ferdinand Ziegel, W. B. Bell, E. A. Widman, B. Clifford Kline, B. Greenwald, Frank I. Rosenfeld, J. H. Hopcraft, Philip Berlinger, Edgar B. Garrick, Gustav Lansing and William Lehman.

BRONX BROKERS FEAST.

The Association of Bronx Real Estate Brokers held its first annual dinner in the Schnorrer clubhouse, 163rd street and Eagle avenue, last night. About 250 brokers and guests were present.

Responses were made by Registrar West Frank Gass, President J. Clarence Davies of the Brokers' Association, William C. Gotschall, president of the New York and Port District Railroad, Borough President Lehman, Lawson Purdy, James L. Wells and others.

Most of the responses were on subjects connected with the development of the borough, especially its grand future.

COL. DADY'S FIGHT.

They Have Read Me Out of the Party, Haven't They? Will I Contest It?

Col. Michael J. Dady had a conference with some of his friends in the office of the New York Stock Exchange yesterday and subsequently he was asked if he had given up the Speakership fight.

"I have not surrendered anything," he said. "I'll be in Albany on Sunday night."

When he was asked about the political situation locally, Col. Dady said:

"They have read me out of the party, haven't they? Will I contest it? Well, that question won't come up for a year yet. I mean to me that it takes votes to retire any one."

Timothy L. Woodruff will be in Brooklyn tomorrow. He will be in Albany on Tuesday evening, when he will address the Republican Assemblymen-elect from Kings county.

Chairman Jacob Brenner of the Kings county Republican executive committee appointed a committee yesterday to lay out the Senate districts in Kings county. One new district is to be added this year. The new district is to be reapportioned, but will act upon the suggestions of the Brooklyn leaders.

The committee consists of Richard H. Laimbeer, Jr., of the Third Assembly district, Alfred T. Hobbey of the Fifth district, Jacob Brenner of the Eighth district, Congressman William M. Corder of the Twelfth district, Harry Jacquard of the Fifteenth district, Robert A. Sharkey of the Sixteenth district and Jacob A. Livingston of the Twenty-first district.

BIRD S. COLER TAKES THE OATH.

Borough President-elect Bird S. Coler took the oath of office yesterday, the oath being administered by Supreme Court Justice William J. Gaynor at the Justice's house in Eighth avenue, Brooklyn.

Mr. Coler was accompanied by President-elect Littleton and Henry P. Cochrane, who is to be counsel for Sheriff Michael J. Flaherty.

DR. NELSON HAS DIED SUDDELY.

ASBURY PARK, N. J., Dec. 28.—Dr. Nelson Haas of Hackensack entered Dr. Kimmonth's store here at 6:30 to night and asked for a remedy to relieve him from intense pain. While talking to the clerk he sank to the floor. Restoratives were applied but he died after a few minutes. Acute pneumonia and a weak heart were given as the cause of death. He was 60 years of age and was known as one of the prominent educators of New Jersey.

HACKENSACK, N. J., Dec. 28.—Dr. Haas was supervising principal of all the schools in Hackensack and principal of the high school. It was conceded that he trained more candidates for West Point and Annapolis than any other teacher in the State. He leaves a widow.

HIGGINS SURE OF THE RESULT

NO DOUBT OF WADSWORTH'S NOMINATION FOR SPEAKER.

Merritt, Who Was to Have Opened His Headquarters Wednesday Night, Has Not Arrived—Higgins and Wadsworth Discuss Committee Chairmanships.

ALBANY, Dec. 28.—Gov. Higgins is so sure of the result of the caucus of the Republican Assemblymen to be held next Tuesday evening in this city, that to-night he said that he would have nothing further to say concerning the Speakership until after the caucus. The chief events of the day in connection with the struggle for the Speakership were the arrival here of Assemblyman James W. Wadsworth, who is to be the chosen Speaker, the opening of his headquarters in the Hotel Ten Eyck and his luncheon with the Governor at the Executive Mansion.

Gov. Higgins is so satisfied with the situation that he did not deem it necessary to make any reply to the latest tirade of abuse from ex-Boss Odell, treating the Newburgh man's statements with the silent contempt that they deserved.

But what concerns the newspaper correspondents and Garry Benson is: What has become of Assemblyman Edwin Merritt of St. Lawrence county? The portly member of Assembly was due to open his headquarters in this city last night, but he didn't arrive. In honor of the event, and as the talk had been decided upon as Mr. Merritt's headquarters, Garry had brought out the bed with a history. It was brought from the old Delevan and adorned the bridal chamber of that famous hostess. It is the bed that the Prince of Wales gloated at when he was in Albany a half century ago. Garry says Henry VIII. slept in it, but he hasn't any proof of it.

Neither the Governor nor Mr. Wadsworth would divulge what they discussed at luncheon with the Governor, but he was about the committee's chairman and the majority leader. Mr. Wadsworth refuses to be pinned down to a direct answer as to whom he preferred for Speaker.

He has said that he wants things to be vastly different this winter from what they have been in previous sessions. Mr. Wadsworth said that he had not been in the caucus, but he would have in the caucus, but when it was suggested that he might have 83 he said he believed that guess was not far out of the way.

Another situation developed to-day. The four Municipal Ownership Assemblymen from New York city have conceived the idea of going to Albany to demand in the next Assembly, and they have agreed to hold aloof so that there will be a third party in the lower house. They will not mingle with the majority or the minority, but will act as a third party.

Assemblymen Agnew and Wells of New York and Wainwright of Westchester county, Albany, with Mr. Wadsworth, Mr. Agnew says the Speakership fight is settled, and that it is Wadsworth. Mr. Wells is also for Wadsworth. Mr. Wainwright said that he had not changed his attitude in regard to the Speakership. He had announced his candidacy, and he had not withdrawn it. He is still on the ground.

These Assemblymen had a conference with the Governor.

Mr. Wadsworth put in a busy day and night. His visitors were not numerous, his principal callers being Assemblymen Mead of Albany, Hooper of Essex and Hooper of Essex.

Mr. Wadsworth spent the evening with James Sheldon, who paid the penalty of refusing to obey the wishes of his constituents and voted against the removal of Justice Hooker. Mr. Wadsworth spent the evening part of his time in looking over the old Assembly committees, reading the Assembly journals and in other ways familiarizing himself with the events in the lower house of the Legislature.

Mr. Wadsworth says he cannot see why the Legislature cannot get through in three weeks for the purpose of passing the proposed insurance legislation.

Gov. Higgins said his message would be over 10,000 words in length, which is unusually long. Mr. Wadsworth said he would recess of more than one week from the organization of the Assembly, which occurs next Wednesday. During that recess he would be in the city.

Mr. Wadsworth's assembled his desires to the Governor.

"I want the Republican party to meet the crisis it is fighting, and the place to do it is in the Legislature. If we legislate in the interest of the people we will gain their confidence, otherwise we will lose it. This next session will be a business one, with the interests of the people always at heart, on the part of the members of the Assembly."

Mr. Wadsworth brings to Albany the news that Assemblyman James T. Rogers of Broome is for harmony, and Mr. Wadsworth said he believed he will be a candidate for the Speakership.

Concerning the report that Mr. Odell is to tell certain alleged secrets which would cause the loss of Governor's office, Mr. Odell said:

"This is going to be a fight to a finish," continued Odell. "I have tried in every way to avoid factional trouble, but it has been forced on me, and when a fight is so forced I am not a quitter."

Gov. Higgins' remark that Assemblyman James T. Rogers of Broome county might put once or twice more before the Assembly caucus is held at Albany was commented upon by Mr. Odell in these words:

"When it comes to flopping, Gov. Higgins is a pretty good example himself. If Higgins' steadfastness were listed on the Stock Exchange—not that I know anything about stocks—but if it were listed I would advise my friends to sell short at once, especially in these days when call money is at 30."

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MOSEOW FIGHTING RENEWED

Continued from First Page.

day, saying the situation in Moscow is daily becoming more serious. The revolutionists themselves, he declares, are astonished by the strength and pertinacity of the uprising. It is rumored that the Rostoffsky Grenadiers have joined the revolt, but this is not confirmed.

Bronnaya street and the adjacent streets have been destroyed by artillery fire. The correspondent says he received a despatch from Moscow stating that the sympathy of the whole population is distinctly on the side of the revolutionists. The troops hitherto have achieved no important success.

The main deficiency of the revolutionists is their lack of arms. They have mostly revolvers and a few rifles. If they could obtain possession of some guns they would be assured of victory, and the troops would have to look to themselves in the Kremlin, where the Governor-General and other authorities have already taken refuge.

Unfortunately for the revolutionists the arsenal, with 800,000 rifles of old pattern, and guns and ammunition, is inside the Kremlin. The garrison lacks officers. The patrols are commanded by soldiers, who do not scruple to rob people when they search them for arms.

The Governor-General has ordered the troops to fire not only at all knots of passers-by but even at the volunteer Red Cross detachments. Complete license is allowed. The life and liberty of citizens often hang on the mere whim of a drunken soldier. Many inoffensive persons have thus been slaughtered. The authorities ply the troops unrelentingly with vodka.

The infantry regiments are unreliable. One brigade of artillery is also under suspicion. All the doubtful units are confined to their barracks. It is stated that a number of sappers deserted while supervising the construction of barricades. The armed revolutionists do not exceed 15,000, but one of the leaders from Moscow says that the main band has not yet taken the field.

The correspondent says he hears that international complications are impending respecting the rising in the Baltic provinces between Russia and Germany. The relations between the two countries are stated to be distinctly strained.

Severe fighting is reported at Vilna and Rostoff-on-Don. Hundreds have been slain according to the Mofa, formerly the Russ. The Government proposes to obtain a new loan virtually by transferring the gold reserve to the treasury. It declares that this is a violation of the law, and that it will result in the depreciation of the gold currency.

FIGHTING FIERCE FROM THE START. The correspondents in St. Petersburg send many details of the fighting in Moscow, but they largely refer to the struggle in the earlier days of the trouble. All testify to the fierce determination of the rebels who, especially in the district between the Brest railway station and the Triumphal Gates, repeatedly brought the troops to a complete standstill.

The captured artillery horses and gunners from windows, frequently preventing the batteries from advancing. The losses in gunners were considerable. The revolutionists held the Mysky train in the depot for ninety minutes against a constant fire of shrapnel. They routed a squad of Cossacks who charged them at a gallop with serious loss.

Many acts of wanton brutality were committed by the troops, but the insurgents displayed equal savagery. Whole blocks of four story buildings have been demolished by artillery and destroyed to their very foundations. The men, women and children within the crumbling buildings were massacred indiscriminately. Frightful scenes were witnessed inside the blazing infernos.

Some of the refugees from the Baltic provinces believe the Russian Government is secretly pleased with the rising of the Letts, whose expulsion of the Germans will facilitate the eventual complete Russification of the Baltic provinces.

GAPON AT MONTE CARLO.

Risking Small Sums Out of Curiosity and Winning at That.

Special Cable Dispatch to THE SUN. LONDON, Dec. 28.—The Pall Mall Gazette's correspondent at Monte Carlo reports an interview with Father Gapon, who has been said to have been indulging in high play there. He declared that he had played his own money only, and that in small sums, and had won. He said he had visited the tables merely for curiosity, and he gave the correspondent fervent assurances that he devoted all his earnings as a writer to the Russian proletariat.

No German Warships to Russian Baltic. Special Cable Dispatch to THE SUN. COLOMBO, Dec. 28.—The Ceylon Gazette states that no German warships will be sent to the Russian Baltic. The crew of the cruiser Lubek, which vessel had been got ready to go to the Baltic, have been ordered to return to the German coast.

The headquarters of the revolutionary leaders is constantly being changed in order to prevent it from being captured. The plan of the rebels evidently was to seize the railway terminals, especially the terminal of the St. Petersburg line, and prevent the arrival of fresh troops. If it had succeeded, Moscow probably would not have been besieged in the hands of the revolutionists, and a provisional government would have been organizing a campaign against St. Petersburg.

WORKMEN DESERT THE CITY. According to the Telegraph's St. Petersburg correspondent the workmen of Moscow have taken little part in the rebellion. Long processions of these men, who only want to earn a livelihood, are trudging toward their native villages, leaving Moscow behind. The composers are indignant with the Council of Workmen's Delegates because they are not receiving support from one of their own members.

The money is being spent in organizing insurrection.

The St. Petersburg correspondent of the Daily Mail says that competent observers held that even now the difficulties of the Russian Government are only beginning. If order is temporarily restored in Moscow the revolution will break out afresh in Kiev, Kharkoff, Caucasus, Poland, Siberia and the Baltic provinces. No fewer than 3,000 persons have been killed and wounded in the recent conflicts with the troops in Rostoff, Yaroslavl, Nijni Novgorod, Kieff and others, causing the widespread nature of the movement.

The agrarian movement, which is swelling in volume and growing in ferocity, now embraces the finest agricultural provinces. Scores of the greatest estates have been burned, looted or expropriated by the peasants.

The Government has neither money nor troops with which to assist the unfortunate.

Jersey Over His Head, Man Went Through House of E. H. Van Ingen.

A burglar with \$1,500 worth of jewelry tied in a couple of handkerchiefs was found early yesterday morning in the home of Edwin H. Van Ingen, at 9 East Seventy-first street. The inside watchman, a big fellow named Esp, came across him in the billiard room about 4 A. M.

A servant and Policeman Marschauer, who heard the noise from the street, handed the burglar without much trouble. Mr. Van Ingen woke up in time to help, but it wasn't necessary.

Recorded Sixty-seventh street station the burglar said his name was James Madison, that he had just come from Buffalo and slept at Mills Hotel No. 1. He had been in the house since 6 o'clock P. M. he said, waiting for the family to get asleep. He said that while waiting he had taken a sleep himself in an upper room. The burglar didn't think he had been in so long. He got in through a back window and had, apparently, gone over the whole house. He had tied up several of the family in his handkerchiefs. He had a jersey tied over his head for a mask and carried a bright new chisel.

Mr. Van Ingen, who is an importer of tweeds and woollens at 160 Fifth avenue, took his daughters over to the police station and they identified the plunder. It was probably worth something over his estimate of \$1,500. The prisoner, who is a little, bald-headed fellow, was taken to the Yorkville police court. Magistrate Cornell held him for trial in \$1,500.

MOSEOW FIGHTING RENEWED

Continued from First Page.

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